

SHB 1299 - H AMD **380**

By Representative Shea

NOT ADOPTED 04/09/2015

1 On page 6, beginning on line 21, strike all of subsection (1)

2

3 Renummer the remaining subsections consecutively and correct any
4 internal references accordingly.

5

6 On page 60, after line 3, insert the following:

7 "NEW SECTION. **Sec. 607.** Funds appropriated in this act may not be
8 used to install, maintain, or operate automated traffic safety cameras
9 used to detect the failure of a vehicle to stop when facing a steady
10 red traffic control signal."

11

12 On page 65, beginning on line 10, strike all of section 704 and
13 insert the following:

14 "**Sec. 704.** RCW 46.63.170 and 2013 c 306 s 711 are each amended to
15 read as follows:

16 (1) The use of automated traffic safety cameras for issuance of
17 notices of infraction is subject to the following requirements:

18 (a) The appropriate local legislative authority must prepare an
19 analysis of the locations within the jurisdiction where automated
20 traffic safety cameras are proposed to be located: (i) Before
21 enacting an ordinance allowing for the initial use of automated
22 traffic safety cameras; and (ii) before adding additional cameras or
23 relocating any existing camera to a new location within the
24 jurisdiction. Automated traffic safety cameras may be used to detect
25 one or more of the following: Stoplight, except during the 2015-2017
26 fiscal biennium; railroad crossing((τ)); or school speed zone
27 violations. At a minimum, the local ordinance must contain the

1 restrictions described in this section and provisions for public
2 notice and signage. Cities and counties using automated traffic
3 safety cameras before July 24, 2005, are subject to the restrictions
4 described in this section, but are not required to enact an
5 authorizing ordinance. Beginning one year after June 7, 2012, cities
6 and counties using automated traffic safety cameras must post an
7 annual report of the number of traffic accidents that occurred at
8 each location where an automated traffic safety camera is located as
9 well as the number of notices of infraction issued for each camera
10 and any other relevant information about the automated traffic
11 safety cameras that the city or county deems appropriate on the
12 city's or county's web site.

13 (b) Use of automated traffic safety cameras is restricted to the
14 following locations only: (i) Except during the 2015-2017 fiscal
15 biennium, intersections of two arterials with traffic control
16 signals that have yellow change interval durations in accordance
17 with RCW 47.36.022, which interval durations may not be reduced
18 after placement of the camera; (ii) railroad crossings; and (iii)
19 school speed zones.

20 (c) During the 2011-2013 and 2013-2015 fiscal biennia, automated
21 traffic safety cameras may be used to detect speed violations for
22 the purposes of section 201(2), chapter 367, Laws of 2011 and
23 section 201(4), chapter 306, Laws of 2013 if the local legislative
24 authority first enacts an ordinance authorizing the use of cameras
25 to detect speed violations.

26 (d) Automated traffic safety cameras may only take pictures of
27 the vehicle and vehicle license plate and only while an infraction
28 is occurring. The picture must not reveal the face of the driver or
29 of passengers in the vehicle. The primary purpose of camera
30 placement is to take pictures of the vehicle and vehicle license
31 plate when an infraction is occurring. Cities and counties shall
32 consider installing cameras in a manner that minimizes the impact of
33 camera flash on drivers.

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1 (e) A notice of infraction must be mailed to the registered
2 owner of the vehicle within fourteen days of the violation, or to
3 the renter of a vehicle within fourteen days of establishing the
4 renter's name and address under subsection (3)(a) of this section.
5 The law enforcement officer issuing the notice of infraction shall
6 include with it a certificate or facsimile thereof, based upon
7 inspection of photographs, microphotographs, or electronic images
8 produced by an automated traffic safety camera, stating the facts
9 supporting the notice of infraction. This certificate or facsimile
10 is prima facie evidence of the facts contained in it and is
11 admissible in a proceeding charging a violation under this chapter.
12 The photographs, microphotographs, or electronic images evidencing
13 the violation must be available for inspection and admission into
14 evidence in a proceeding to adjudicate the liability for the
15 infraction. A person receiving a notice of infraction based on
16 evidence detected by an automated traffic safety camera may respond
17 to the notice by mail.

18 (f) The registered owner of a vehicle is responsible for an
19 infraction under RCW 46.63.030(1)(d) unless the registered owner
20 overcomes the presumption in RCW 46.63.075, or, in the case of a
21 rental car business, satisfies the conditions under subsection (3)
22 of this section. If appropriate under the circumstances, a renter
23 identified under subsection (3)(a) of this section is responsible
24 for an infraction.

25 (g) Notwithstanding any other provision of law, all photographs,
26 microphotographs, or electronic images prepared under this section
27 are for the exclusive use of law enforcement in the discharge of
28 duties under this section and are not open to the public and may not
29 be used in a court in a pending action or proceeding unless the
30 action or proceeding relates to a violation under this section. No
31 photograph, microphotograph, or electronic image may be used for any
32 purpose other than enforcement of violations under this section nor
33 retained longer than necessary to enforce this section.

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1 (h) All locations where an automated traffic safety camera is
2 used must be clearly marked at least thirty days prior to activation
3 of the camera by placing signs in locations that clearly indicate to
4 a driver that he or she is entering a zone where traffic laws are
5 enforced by an automated traffic safety camera. Signs placed in
6 automated traffic safety camera locations after June 7, 2012, must
7 follow the specifications and guidelines under the manual of uniform
8 traffic control devices for streets and highways as adopted by the
9 department of transportation under chapter 47.36 RCW.

10 (i) If a county or city has established an authorized automated
11 traffic safety camera program under this section, the compensation
12 paid to the manufacturer or vendor of the equipment used must be
13 based only upon the value of the equipment and services provided or
14 rendered in support of the system, and may not be based upon a
15 portion of the fine or civil penalty imposed or the revenue
16 generated by the equipment.

17 (2) During the 2015-2017 fiscal biennium, an automated traffic
18 safety camera may not be used to detect a vehicle's failure to stop
19 when facing a steady red traffic control signal.

20 (3) Infractions detected through the use of automated traffic
21 safety cameras are not part of the registered owner's driving record
22 under RCW 46.52.101 and 46.52.120. Additionally, infractions
23 generated by the use of automated traffic safety cameras under this
24 section shall be processed in the same manner as parking
25 infractions, including for the purposes of RCW 3.50.100, 35.20.220,
26 46.16A.120, and 46.20.270((+3+)) (2). The amount of the fine issued
27 for an infraction generated through the use of an automated traffic
28 safety camera shall not exceed the amount of a fine issued for other
29 parking infractions within the jurisdiction. However, the amount of
30 the fine issued for a traffic control signal violation detected
31 through the use of an automated traffic safety camera shall not
32 exceed the monetary penalty for a violation of RCW 46.61.050 as
33 provided under RCW 46.63.110, including all applicable statutory
34 assessments.

1 ~~((3))~~ (4) If the registered owner of the vehicle is a rental
2 car business, the law enforcement agency shall, before a notice of
3 infraction being issued under this section, provide a written notice
4 to the rental car business that a notice of infraction may be issued
5 to the rental car business if the rental car business does not,
6 within eighteen days of receiving the written notice, provide to the
7 issuing agency by return mail:

8 (a) A statement under oath stating the name and known mailing
9 address of the individual driving or renting the vehicle when the
10 infraction occurred; or

11 (b) A statement under oath that the business is unable to
12 determine who was driving or renting the vehicle at the time the
13 infraction occurred because the vehicle was stolen at the time of
14 the infraction. A statement provided under this subsection must be
15 accompanied by a copy of a filed police report regarding the vehicle
16 theft; or

17 (c) In lieu of identifying the vehicle operator, the rental car
18 business may pay the applicable penalty.

19 Timely mailing of this statement to the issuing law enforcement
20 agency relieves a rental car business of any liability under this
21 chapter for the notice of infraction.

22 ~~((4))~~ (5) Nothing in this section prohibits a law enforcement
23 officer from issuing a notice of traffic infraction to a person in
24 control of a vehicle at the time a violation occurs under RCW
25 46.63.030(1) (a), (b), or (c).

26 ~~((5))~~ (6) For the purposes of this section, "automated traffic
27 safety camera" means a device that uses a vehicle sensor installed
28 to work in conjunction with an intersection traffic control system,
29 a railroad grade crossing control system, or a speed measuring
30 device, and a camera synchronized to automatically record one or
31 more sequenced photographs, microphotographs, or electronic images
32 of the rear of a motor vehicle at the time the vehicle fails to stop
33 when facing a steady red traffic control signal or an activated
34 railroad grade crossing control signal, or exceeds a speed limit in

1 a school speed zone as detected by a speed measuring device. During
2 the 2011-2013 and 2013-2015 fiscal biennia, an automated traffic
3 safety camera includes a camera used to detect speed violations for
4 the purposes of section 201(2), chapter 367, Laws of 2011 and
5 section 201(4), chapter 306, Laws of 2013.

6 ~~((+6))~~ (7) During the 2011-2013 and 2013-2015 fiscal biennia,
7 this section does not apply to automated traffic safety cameras for
8 the purposes of section 216(5), chapter 367, Laws of 2011 and section
9 216(6), chapter 306, Laws of 2013."

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EFFECT:

- Removes a requirement that the Washington Traffic Safety Commission oversee pilot projects implementing the use of automated traffic safety cameras to detect certain speed violations.
- Removes language that permitted certain local jurisdictions to operate automated traffic safety cameras to detect speed violations in areas outside school zones.
- Prohibits, during the 2015-2017 fiscal biennium, the use of automated traffic safety cameras at stoplights and at the intersections of two arterial roads to detect a vehicle's failure to stop when facing a steady red traffic control signal.
- Prohibits any funds appropriated in the Act from being used to install, maintain, or operate such an automated traffic safety camera.

FISCAL IMPACT: No net change to appropriated levels.

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